

REMARKS/ARGUMENTS

After the foregoing Amendment, claims 9-12, 14-16, 18-22, 24-26, 28-32, 34-36, 38 and 39 – 51 are currently pending in this application. Claims 9 - 12, 14 - 16, 18-20, 22, 24-26, 29-32, 34-36 and 38 are amended. New Claims 40 - 51 are added.

Request for Continued Examination

A Request for Continued Examination pursuant to 37 C.F.R. § 1.114 is filed along with this Reply. In response to the Notice of Pre-Appeal Brief Request for Review filed on August 13, 2009, the Notice of Panel Decision from Pre-Appeal Brief Review dated September 25, 2009 indicates the present application remains under appeal. Pursuant to 37 C.F.R. § 1.114, the Examiner is respectfully requested to consider the foregoing amendment and Remarks below.

Remarks

Claims 9-12, 14-16, 18-22, 24-32, 34-36, and 38-39 are rejected under 35 U.S.C. 102(b) as being unpatentable over 5,150,361 to Wieczorek et al. (hereinafter Wieczorek).

In the August 4, 2009 Advisory Action, the Examiner maintains the rejection of the then-pending claims stating as follows.

Wieczorek discloses a low power mode (read as the claimed at least one intermediate power consumption level mode, wherein only essential circuit elements are on), a non-energy saving mode (read as the claimed on power consumption level mode, wherein all circuits are activated for communication). In addition, as well known in the art, when the communication device, which operate under power supplied by battery, is turned off (i.e. powered off by pressing the power off key to deactivate all circuits an no power consumptions at all), it is in off power consumption mode.

It is respectfully submitted that the Examiner is reading the teaching of *Wieczorek* to an entire device, whereas the teaching is limited to individual device components.

The portion of *Wieczorek* upon which the Examiner relies is reproduced below.

According to the invention, the communication unit may be made to function in one of two operational mode: a low power or energy saving mode and a high power or non energy saving mode. (see *Wieczorek*, column 5, lines 4-7, *emphasis added*.)

Wieczorek further defines operation of various device components (i.e. circuits) in the "low power or energy saving mode" introduced above as follows.

In order to conserve energy, the controller 320 periodically deactivates non-essential circuits...(see *Wieczorek*, column 4, lines 45-47, *emphasis added*).

Wieczorek only teaches fully activated device components or fully deactivated device components, as evidenced by the above citations. Accordingly, *Wieczorek* only teaches two power consumption levels per device component. These two power consumption levels for each device component taught by *Wieczorek* consist of a fully

powered, on power consumption level and a deactivated, powered down, off power consumption level.

The Examiner appears to be interpreting the power save mode of *Wieczorek* where some device components are on and some device components are off to be equivalent to the claimed *intermediate power consumption level*. As noted above, the Examiner states that "*Wieczorek* discloses a low power mode (read as the claimed at least one intermediate power consumption level mode, wherein only essential circuit elements are on)." *Wieczorek* discloses that non-essential circuits (i.e. device components) may be periodically deactivated in order to conserve energy. On a device basis, an intermediate power mode may be realized by deactivating a circuit or component of the device, thus the device is operating in a power mode between the fully on mode and the completely off mode. However, on a component or circuit basis, *Wieczorek* only discloses two power consumption levels, as noted above. A deactivated circuit in the low power or energy saving mode taught by *Wieczorek* is in an identical power state as when the communication unit is powered off. Thus these power modes are equivalent on a circuit basis. Accordingly, *Wieczorek* only teaches two power modes per circuit.

Currently pending independent claim 9 now recites *a plurality of circuit components, wherein each of the plurality of circuit components is configured to operate in a first signal processing state having an on power consumption level, a*

second signal processing state having an off power consumption level, and a third signal processing state having an intermediate power consumption level. Wieczorek does not teach an on power consumption level, an off power consumption level, and at least one intermediate power consumption level for each of a plurality of circuit components. As detailed above, Wieczorek only teaches two power modes per circuit.

The Examiner fails to show a teaching in *Wieczorek* of the claimed *each of the plurality of circuit components...having an intermediate power consumption level*. It is respectfully submitted that *Wieczorek* fails to teach or even suggest an *intermediate power consumption level* as claimed.

Independent claims 9, 19, and 29 recite similar elements. Claims 10-12, 14-16, and 18 are dependent upon claim 9, claims 20-22, 24-28 are dependent upon claims 19, and claims 30-32, 34-36, and 38-39 are dependent upon claim 29. Applicants believe these claims are allowable over the cited references of record for the reasons provided above.

Applicant: Kaewell Jr. et al.
Application No.: 10/757,222

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing [amendment and] remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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Enclosure